

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CITY OF EDMONDS,

Plaintiff,

V.

DARY GAIL RIEDLINGER,

Defendant.

No. C17-225RSL

ORDER DENYING MOTIONS FOR RELIEF FROM ORDER OF REMAND

This matter comes before the Court on defendant's "Motion to Vacate Order to Remand Case," Dkt. # 17, and defendant's "Motion for Relief from Order of Remand," Dkt. # 18. The Court DENIES these motions. Defendant asks the Court to void its order of remand, Dkt. # 11, on the grounds that the order constitutes fraud. This contention is meritless. As the Court has already explained, see Dkt. # 11, federal jurisdiction cannot be based on actual or anticipated defenses, Vaden v. Discover Bank, 556 U.S. 49, 60 (2009). Defendant's claim that his traffic citation violates his First Amendment rights is a defense to that citation, and so it cannot form the basis for federal jurisdiction and removal. See Louisville & Nashville R. Co. v. Mottley, 211 U.S. 149, 152 (1908). And claiming that defendant's rights were violated does not suffice to demonstrate that the state courts are incapable of vindicating defendant's rights such that removal is warranted under 28 U.S.C. § 1443. Remanding on these bases is not fraud, but rather a straightforward application of the federal jurisdiction statutes. Defendant's motions are DENIED.

ORDER DENYING MOTIONS FOR RELIEF - 1

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2 DATED this 31st day of March, 2017.
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Robert S. Lasnik
United States District Judge